

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 326**

**Call to Order:** By **CHAIRMAN DAN MCGEE**, on April 15, 2003 at 8:00 A.M., in Room 335 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Dan McGee, Chairman (R)  
Rep. Cindy Younkin, Vice-Chairman (R)  
Sen. Rick Laible (R)  
Sen. Mike Wheat (D)  
Rep. George Everett (R)  
Rep. Kim Gillan (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Mary Vandebosch, Legislative Branch  
Phoebe Olson, Committee Secretary  
Mari Prewett, Transcription of Minutes

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 326, 5/12/2003  
Executive Action:

**SEN. MCGEE** explained the reason for the Free Conference Committee. He went on to say that it was his intention to amend SB 340 into SB 326.

**SEN. MCGEE'S** amendments were distributed to the Committee, and are attached as Exhibit 1.

**EXHIBIT**(cch81sb0326a01)

**SEN. MCGEE** stated that the amendments, in essence, put the bill back to the way it had come out of the Senate. He went on to explain the intent of, and reasons for, the amendments.

**Mary Vandenbosch, Legislative Services**, walked the Committee through the amendments.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 7.5}*

**Motion/Vote:** **SEN. WHEAT** moved to **STRIKE AMENDMENT NUMBER 10** to **SB 326**. Motion carried 6-0 by voice vote.

**Mary Vandenbosch, Legislative Services**, continued to walk the Committee through the remaining amendments.

**Motion:** **SEN. LAIBLE** moved that the **AMENDMENTS TO SB 326 BE ADOPTED**.

**Discussion:**

**SEN. MCGEE** asked Tim Davis to present his issues to the Committee.

**Tim Davis, Montana Smart Growth Coalition**, walked through the amendments and pointed out the ones that his organization was most interested in having added to the bill. **Mr. Davis** also explained the reasons why they were supporting the bill with the amendments. **Mr. Davis** recommended that the Committee amend 2(b) under Section 7 to read: "Except as authorized by subdivision, zoning, or other regulations adopted pursuant to this chapter or State law, a governing body may withhold, deny or impose conditions on any land use approval."

**Mr. Davis** stated that he had been asked to have the Committee consider, in Section 3 of the bill, adding in a provision that would read: "the governing body shall consult the Planning Board and seek its consultation when assigning staff to planning duties" or something along those lines. **Mr. Davis** then discussed the reasons for the proposed language.

**SEN. MCGEE** presented his arguments in support of his proposed amendments. He went on to talk about the purpose for growth policies.

There was discussion of the amendments between **SEN. WHEAT**, **SEN. MCGEE** and **Ms. Vandenbosch**.

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**REP. GILLAN** asked if the Committee could discuss the issue of partial versus full coverage. **REP. GILLAN** referred to the amendments and expressed her concerns.

**SEN. LAIBLE** expressed support for **SEN. MCGEE'S** proposal.

*{Tape: 1; Side: A; Approx. Time Counter: 25.5 - 29.8}*

**SEN. LAIBLE** continued to discuss his opinions of the bill and proposed amendments.

**SEN. MCGEE** read Part I Zoning, 76-2-104, into the record.

**SEN. WHEAT** stated that he agreed with **REP. GILLAN**.

**SEN. LAIBLE** asked **SEN. WHEAT** to explain his reasons for not wanting local control over how their zoning was done. **SEN. WHEAT** replied that he felt that the growth policy was local control. He continued that he could not see trying to fix something that did not need to be fixed.

**REP. EVERETT** explained his reasons for supporting the bill and the amendments.

**REP. GILLAN** asked if anyone would be interested in a program where things could be done in phases, or in neighborhoods, with the ultimate goal being a growth policy that would cover the whole jurisdiction.

**SEN. LAIBLE** stated that he felt the language they had added was clear about what they were trying to accomplish. He further stated that it was not a regulatory document, it was for setting parameters for local governments to have discretion on how their community should exist.

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 9.2}*

**Ms. Vandebosch** discussed "growth policy" as addressed in the codes and recommended that they consider it in making their decision. **Ms. Vandebosch** distributed copies of the code involving "growth policy", attached as Exhibit 2.

**EXHIBIT (cch81sb0326a02)**

**SEN. MCGEE** asked Mr. Kakuk to present his take on the issue of partial versus the whole jurisdictional area. **Michael Kakuk, Attorney representing the Montana Association of Realtors**, expressed his views on the issue. He concluded that he felt the bill provided a maximum amount of flexibility, but could see where it could present a problem.

**{Tape: 1; Side: B; Approx. Time Counter: 9.2 - 12.3}**

**REP. YOUNKIN** asked Mr. Kakuk if the bill, as amended were adopted, if every square inch of Montana would be covered by a growth policy. **Mr. Kakuk** responded that was his understanding of the bill.

**REP. YOUNKIN** asked Mr. Kakuk what they would accomplish by adopting the bill. **Mr. Kakuk** replied they would accomplish maximum flexibility for the local governments.

**REP. YOUNKIN** asked Mr. Kakuk why the counties needed to have flexibility. **Mr. Kakuk** responded it was an option with the amendments, with partial or with whole.

**REP. YOUNKIN** expressed her concerns and explained that she did not fully understand the necessity for the bill.

**SEN. MCGEE** stated that he was looking at the issue from a statewide perspective. He went on to say that the whole bill had come out of Flathead County. He continued that it had been requested by the Planners, the County Planning Board and the County Commissioners. He then explained that they had requested the partial jurisdictional area. **SEN. MCGEE** used Jefferson County as an example and stated that what was going on in the northern part of the County was not what was happening in the Southern part of the County. He reiterated what he was trying to do with the bill and how the bill would work.

**{Tape: 1; Side: B; Approx. Time Counter: 12.3 - 17.9}**

**REP. YOUNKIN** reiterated her concerns.

**{Tape: 1; Side: B; Approx. Time Counter: 17.9 - 19}**

**Ms. Vandebosch** referred to several sections of the bill and indicated the criteria that needed to be met under current law.

*{Tape: 1; Side: B; Approx. Time Counter: 19 - 20.9}*

Vote: Motion that the AMENDMENTS TO SB 326 BE ADOPTED carried 6-0 by voice vote.

Motion/Vote: REP. GILLAN moved that SB 326 BE ADOPTED AS AMENDED. Motion carried 2-2 by roll call vote with REP. GILLAN and SEN. WHEAT voting no.

Motion/Vote: SEN. MCGEE moved that the COMMITTEE REPORT ON SB 326 BE ADOPTED. Motion carried 2-2 by voice vote with REP. GILLAN and SEN. WHEAT voting no.

*{Tape: 1; Side: B; Approx. Time Counter: 20.9 - 23.4}*

**ADJOURNMENT**

Adjournment: 8:55 A.M.

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SEN. DAN MCGEE, Chairman

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MARI PREWETT, Secretary

CY/DM/POMP

**EXHIBIT (cch81sb0326aad)**